IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 16329 of 2004

Between:

M/s. Ujwala Wines, IL-24, Plot No.1, Sy.No.42, Pet Basheerabad (V)
Qutbullapur Mandal & Municipality, Ranga Reddy District, rep by its

Licencee Mr.M.Ravikanth Reddy.

..... PETITIONER

AND

1 The Commissioner for Prohibition & Excise, Govt. of A.P., at Hyderabad.
2 The Prohibition & Excise Superintendent., Ranga Reddy District,

Narayanaguda, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction, preferably a writ in the nature of Mandamus declaring the action of the Respondents in not considering the request of the petitioner to shift the licence from the existing IL-24 licence premises from Plot No.1, Survey No.42, Pet Basheerabad, to shutter No,1, 2, 3, Sy.No.46, Pet Basheerabad, Qutbhullapur Mandal & Municipality, Ranga Reddy District and Cr.No.E3/3433/2003, dt.04-08-2004 of Resp.No.2 as unjust, illegal, and against principles of natural justice and set aside the same and further direct the respondents to permit the petitioner to shift the petitioner IL-24 licence from Plot No.1, Survey No.42, Pet Basheerabad to shutter No.1,2,3, Sy.No.46, Pet Basheerabad, Qutbhullapur Mandal & Municipality, Ranga Reddy District.

Counsel for the Petitioner: MR.T.PRASANNA KUMAR

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court at the admission stage made the following :

ORDER:

The petitioner, who is holding a licence in Form IL-24 for sale of Indian Liquor and Foreign Liquor and carrying on business in the name and style of M/s. Ujwala Wines at plot No.1, Sy./No.42, Pet Bahseerabad, Qutbhullapur Mandal & Municipality, Ranga Reddy District, seeks a writ of Mandamus declaring the alleged action of the respondents in not considering the request of the petitioner to shift the licensed premises from Plot No.1, Sy. No. 42, Pet Basheerabad to Shutter No.1, 2, 3, Sy.No.46, Pet Basheerabad, Qutbhullapur Mandal & Municipality, Ranga Reddy District, as arbitrary and illegal.

It is stated that the petitioner made an application on 09-07-2004, requesting to shift the licensed premises to shutter No.1, 2, 3, Sy.No.46, Pet Basheerabad, Qutubullapur Mandal & Municipality by depositing the requisite fees under Rule 35 of A.P. Excise (Indian Liquor and Foreign Liquor) Rules, 1970. It is claimed that the proposed premises is within the same Municipality and there is no change in the licence fees slab and there is no other restriction or prohibition under the Statutory Rules for locating the shop in the proposed premises. However, the 2nd respondent by order dated 04-08-2004, informed the petitioner to select another premises which is under challenge in this Writ petition.

The only contention raised by the learned Counsel for the petitioner is that since the Prohibition and Excise Superintendent, while rejecting the request of the petitioner, failed to assign any reasons in support of his decision, the impugned order is arbitrary and liable to be set aside on that ground alone.

It is clear from the representation of the petitioner dated 09-07-2004 that the proposed shifting of the petitioner's shop was opposed by a Women Organisation on the ground that it is located in a residential area and causes disturbance to the residents. It is also clear that the request of the petitioner was once rejected by the 2nd respondent on 2-6-2004 and then the petitioner by his representation dated 9-7-2004 requested to reconsider stating that he has invested huge amounts for

securing the proposed premises anticipating sanction and that the proposed premises is in conformity with the statutory rules. The said request was rejected under the impugned order.

Since the impugned order is nothing but rejection of the request of the petitioner for reconsideration of the matter, I do not find any substance in the contention of the petitioner that the said order is bad for want of reasons. Admittedly, the request of the petitioner was already rejected once on the ground that the proposed premises is located in a predominantly residential area. Hence, I do not see any justifiable reason to interfere with the impugned order.

Accordingly, the writ petition is dismissed. No costs.

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27-10-2004

VS

To

1. The Commissioner for Prohibition and Excise, Government of A.P., at Hyderabad.

2. The Prohibition and Excise Superintendent, Ranga Reddy Disrict, Narayanguda, Hyderabad.

3. 2CCs to the G.P for Prohibition and Excise, High Court Buildings, Hyderabad(O.U.T).

4. 2CD copies.